U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-16872

State: Texas
County: Nueces

Center coordinates of site (latitude/longitude): 27-37-11.9136 97-17-39.8776 Approximate size of area (parcel) reviewed, including uplands: approx. 0.45 acres.

Name of nearest waterway: Laguna Madre

Name of watershed: Oso Creek

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Completed: Desktop determination Date:
Site visit(s) Date(s): 18 Feb 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approx. 0.04 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 0.3 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Property adjacent to the Laguna Madre, a navigable water body that contains a portion of the GIWW.

	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  Clean High Water Mark indicated by:  I clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  Clean High Water Mark indicated by:  Survey to available datum; physical markings; vegetation lines/changes in vegetation types.
LI W	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basis I Th Ur He	For Not Asserting Jurisdiction:  the reviewed area consists entirely of uplands.  the reviewed area consists entirely of uplands.  the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  the adquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  the Corps has made a case-specific determination that the following waters present on the site are not Waters of the litted States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Data Data Data Corp. U.S. U.S. U.S. U.S. U.S. Corp. Cor	EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  s, plans, plots or plat submitted by or on behalf of the applicant.  sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  sheets prepared by the Corps.  So navigable waters' studies:  Geological Survey Hydrologic Atlas:  Geological Survey Hydrologic Atlas:  Geological Survey 7.5 Minute Topographic maps: Pita Island  Geological Survey 15 Minute Historic quadrangles:  A Natural Resources Conservation Service Soil Survey: Nueces County, Texas  anal wetlands inventory maps: Pita Island  Local wetland inventory maps:  AFIRM maps (Map Name & Date): Corpus Christi, Community Panel 485464 0356C July 18, 1985  ear Floodplain Elevation is: (NGVD)  Photographs (Name & Date):  photographs (Date):  seed Identification Wetland maps:  sit/determination conducted on:  sable/supporting case law:  information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: CESWG-RB-RCC UMBER: D-12963(01)
Stat Cou Cen App Nar	CT LOCATION INFORMATION:  te: TX  unty: Hidalgo  ter coordinates of site (latitude/longitude): 26-6-59.5/98-14-5.5  proximate size of area (parcel) reviewed, including uplands: 2.75 acres.  me of nearest waterway: Hackney Lake me of watershed: Arroyo Colorado
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ■	

[17] The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-12963(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects ☐ the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Elevated irrigation ditch. Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Hidalgo County National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TerraServer / 15 Jan 95 Other photographs (Date): applicant's onground; 2002 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RCC** 

**FILE NUMBER: 23695** 

PROJECT 1	LOCA	TION	<b>INFOR</b>	MATION:
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State:

TX

Nueces County:

Center coordinates of site (latitude/longitude):

27-48-24/97-08-50

Approximate size of area (parcel) reviewed, including uplands: 4.5 acres.

Name of nearest waterway: Corpus Christi Bay Name of watershed: Corpus Christi Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 25 Feb 2005

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
*******	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.5 acres.

Mathematical There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.5 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	1, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4,
$\boxtimes$	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[11] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal waters of Corpus Christi Bay

	Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and dinary High Water Mark indicated by:	329	FILE NUMBER: 23695
		clear, natural line impressed on the bank	Hig	gh Tide Line indicated by:
	님	the presence of litter and debris	È	oil or scum line along shore objects fine shell or debris deposits (foreshore)
	ö	changes in the character of soil destruction of terrestrial vegetation		physical markings/characteristics
		shelving	H	tidal gages other:
	L	other:		oner.
l	⊠ Me	an High Water Mark indicated by:		
	Ц	survey to available datum;  physical markings;  veget	ation	lines/changes in vegetation types.
	] We	tland boundaries, as shown on the attached wetland delinear	ion n	nap and/or in a delineation report prepared by:
E	Basis Fo	r Not Asserting Jurisdiction:		
E	Una	reviewed area consists entirely of uplands.		
		ble to confirm the presence of waters in 33 CFR part 328(a) dquarters declined to approve jurisdiction on the basis of 33 Corps has made a case specific determined:	OFF	
Ĺ	The	Corps has made a case-specific determination that the folloted States:	wing	waters present on the site are not Wotors of the
		Waste treatment systems, including treatment systems	·	problem on the site are not waters of the
		Waste treatment systems, including treatment ponds or l Artificially irrigated areas, which would revert to upland		
		retain water and which are used exclusively for such pur rice growing.	poses	s as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small or		
	ш			
		the purpose of obtaining fill, sand, or gravel unless and u abandoned and the resulting body of water meets the defi 328.3(a).	ntil ti nitio	he construction or excavation operation is n of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstate and	<b></b>	<b></b>
		Prior converted cropland, as determined by the Natural R	esou	rces Conservation Service. Explain rationale
		Non-tidal drainage or irrigation ditches excavated on dry		
		Other (explain):	iang.	Explain rationale:
DATA	DEX/IE	WED FOR WINGS		
	Maps.	WED FOR JURSIDICTIONAL DETERMINATION (n plans, plots or plat submitted by or on behalf of the applications of the state proposed (see a pose see a pose se	ark	all that apply):
	Data	since is prepared/submitted by or on behalf of the applicant	nt.	
	ı	ins office concurs with the delineation report, dated	ргера	ared by (company):
	Data s	his office does not concur with the delineation report, dated heets prepared by the Corps.		, prepared by (company):
	Corps	'navigable waters' studies:		
	U.S. C	Geological Survey Hydrologic Atlas:		
Ï	U.S. C	eological Survey 7.5 Minute Topographic maps: eological Survey 7.5 Minute Historic quadrangles:		
	0.5.6	eological Survey 15 Minute Historic quadrangles		
吊	VSDA Nation	Natural Resources Conservation Service Soil Survey: al wetlands inventory maps:		
	State/I	ocal wetland inventory maps:		
봄	FEMA	/FIRM maps (Map Name & Date):		
	Aerial	ar Floodplain Elevation is: (NGVD) Photographs (Name & Date):		
	Other p	photographs (Date):		
H	Advan	ced Identification Wetland mans:		
B	Applica	sit/determination conducted on: able/supporting case law:		
	Other i	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RCC FILE NUMBER: 23696** PROJECT LOCATION INFORMATION: TX State: County: Nueces 27-48-40/97-08-59 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 4.5 acres. Name of nearest waterway: Corpus Christi Bay Corpus Christi Bay Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 25 Feb 2005 Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: 🛮 There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.5 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.5 acres. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No П Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used i the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal waters of Corpus Christi Bay

FILE NUMBER: 23696

La	teral ]	Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 2	20)	FILE NUMBER: 236
	Ord	inary High Water Mark indicated by:			7011 7 1 4 4
		clear, natural line impressed on the bank	Ш	High	Tide Line indicated by:
	Ħ	the presence of litter and debris		$\sqcup$	oil or scum line along shore objects
	Ħ	changes in the character of the		Ш	fine shell or debris deposits (foreshore)
	片	changes in the character of soil			physical markings/characteristics
	$\vdash$	destruction of terrestrial vegetation			tidal gages
	닏	shelving		$\Box$	other:
	L	other:		L	oner.
M	Men	n High Water Mark in E			
E9		n High Water Mark indicated by:			
	∟ »	urvey to available datum; 🛛 physical markings;	∪ vegeta	tion l	lines/changes in vegetation types.
		and boundaries, as shown on the attached wetland			
		and the attached wetland	defineati	)II III:	ap and/or in a delineation report prepared by:
Doo	is Ess	No. A.			
Das	IS FOR	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.			
Ħ	Unah	the to confirm the presence of waters is 22 CDD			
	Head	ele to confirm the presence of waters in 33 CFR pa	rt 328(a)(	1, 2,	or 4-7).
固	The (	quarters declined to approve jurisdiction on the ba	ISIS OI 33 (	JFR.	part 328.3(a)(3).
- <del>1011.0</del>	Unite	Corps has made a case-specific determination that ed States:	the follow	ing v	waters present on the site are not Waters of the
		Waste treatment systems, including treatment p	onde or la	~~~	2 municipal ( ) 22 CFB
		Artificially irrigated areas, which would revert t	o unland	goon	s, pursuant to 33 CFR part 328.3.
		Authoral takes and ponds created by excavating	and/or di	bina	der land to selle at 1
		retain water and which are used exclusively for rice growing	such nurn	villa	as stock watering imigation and
	_				
		Artificial reflecting or swimming pools or other	small orn	amen	ital bodies of water created
	_	by exervating and/or diking dry land to retain w	ater for ni	imar	rily pooth atio
		water-lined depressions created in dry land inci	dental to a	nnet	motion activity and also
		as a large time to a large body of water theely	s the defir	ition	of waters of the United States found at 33 CFR
	$\overline{}$	()-			
		Isolated, intrastate wetland with no nexus to inte	rstate con	merc	ce.
	ш	Prior converted cropland, as determined by the N	Vatural Re	sour	ces Conservation Service. Explain rationale:
1		Non-tidal drainage or irrigation ditches excavate			
l		Other (explain):	d on dry i	anu.	Explain rationale:
DATA RE	VIEV	WED FOR HIDSIDICTIONAL DETERMINANT			
Ø N	Mans.	WED FOR JURSIDICTIONAL DETERMINA' plans, plots or plat submitted by or on behalf of the	IION (m	ark a	ıll that apply):
	Data sl	heets prepared/submitted by or on behalf of the ap	e applicar	ıt.	
· · · · · · · · · · · · · · · · · · ·	7 Th	his office concurs with the delineation report, dated			
Ī	Th Th	is office does not concur with the delinaction report,	ı , p	repai	red by (company):
	Data sh	is office does not concur with the delineation reponents prepared by the Corps.	ort, dated		, prepared by (company):
-		navigable waters' studies:			
<b>H</b> i	IS G	eological Survey Hydrologic Atlas:			
<b>⊠</b> i	IS G	eological Survey TSAC - TRANS:			
	I.S. C	eological Survey 7.5 Minute Topographic maps:			
	1.S. G	eological Survey 7.5 Minute Historic quadrangles:			
	).S. G	eological Survey 15 Minute Historic quadrangles:			
	JSDA	Natural Resources Conservation Service Soil Surv	vey:		
	ationa	al wetlands inventory maps:			
	tate/L	ocal wetland inventory maps:			
F.	CIVIA/	FIRM maps (Map Name & Date):			
	ou-yea	ar Floodplain Elevation is: (NGVD)			
U W N S F H A O A S Si	ither n	Photographs (Name & Date): hotographs (Date):			
H A	dvanc	notographs (Date): ed Identification Wetland maps:			
Si	ite vis	it/determination conducted on:			
	pplica	ble/supporting case law:			
O	ther in	aformation (please specify):			
		(1 F )).			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23700

		ATION INFORMATION:		
	tate:	Texas		
	ounty:	Nueces		
		inates of site (latitude/longitud		N27.807184 W97.140307
Α	pproximate	size of area (parcel) reviewed,	including	uplands: 18.0 acres.
N	ame of near	rest waterway: Corpus Christi l	Bay	
N	ame of wat	ershed: Corpus Christi Bay	,	
HIDIS	DICTION	AL DETERMINATION		
		Desktop determination	M	Date: 2/25/05
, •	ompiciea.	-		
		Site visit(s)	U	Date(s):
Ju	urisdiction	al Determination (JD):		
	Prelimir	nary JD - Based on available in	formation.	there appear to be (or) there appear to be no "waters of the
•	United S			nited States" on the project site. A preliminary JD is not appealable
Ø	Approve	ed JD – An approved JD is an a	ppealable	action (Reference 33 CFR part 331).
<del>5</del>		ill that apply:	T P	(account of an in parties).
				ates" (as defined by 33 CFR part 329 and associated guidance) within
	the revie	ewed area. Approximate size o	f jurisdicti	ional area: 18.0 acres.
		re are "waters of the United Sta d area. Approximate size of ju		efined by 33 CFR part 328 and associated guidance) within the ll area:
	Than	ra ara "isolatad non-naviaahla	intra sta	te waters or wetlands" within the reviewed area.
	1 ner			NCC/Migratory Bird Rule Information Sheet for Determination of No.
		Jurisdiction.	i by SWAI	Necrongratory Bird Rule information sheet for Determination of No
		SDICTIONAL DETERMINA		
A	. Waters	defined under 33 CFR part 3	29 as "na	vigable waters of the United States":
$\mathbf{x}$	The pres	sence of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
				t interstate or foreign commerce.
				-
<u>B</u> .				"waters of the United States":
L				sed, or were used in the past, or may be susceptible to use in
<b></b>				ers which are subject to the ebb and flow of the tide.
		presence of interstate waters in		
				e lakes, rivers, streams (including intermittent streams), mudflats,
				t meadows, playa lakes, or natural ponds, the use, degradation or
				erce including any such waters (check all that apply):
				r foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
	_ 🔲 (iii)	which are or could be used for	industrial	purposes by industries in interstate commerce.
	(4) Impo	oundments of waters otherwise	defined as	waters of the US.
		presence of a tributary to a wat	er identifie	ed in (1) – (4) above.
		presence of territorial seas.		
	(7) The	presence of wetlands adjacent <sup>2</sup>	to other w	raters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Lateral	Extent of Jurisdiction: (Reference: 33 CFR participant High W	ta 220 1 220	FILE NUMBER: 23700
:	Ord	mary Figh water Mark indicated by:	3 320 and 329	y gh Tide Line indicated by:
	片	clear, natural line impressed on the bank		oil or scum line along shore objects
	님	the presence of litter and debris		I fine shell or debris deposits (foreshore)
	H	changes in the character of soil destruction of terrestrial vegetation	$oxed{oxed}$	physical markings/characteristics
		shelving	<u>⊠</u>	tidal gages
		other:		other:
ı	Mea.  ✓ Mea	n High Water Mark indicated by:		
	<b>₽</b> 3 3	urvey to available datum; physical markings;	,   vegetation	lines/changes in vegetation types.
	Wetl	and boundaries, as shown on the attached wetlan	d delineation r	nap and/or in a delineation report prepared by: NWI
F	asis For	Not Asserting Jurisdiction:		
L	■ The r	reviewed area consists entirely of unlands		
	Unab	ole to confirm the presence of waters in 33 CED n	art 328(a)(1, 2	, or 4-7).
		qualities accillica to applitude infliguetion on the k	vocio of 22 CET	
		Corps has made a case-specific determination that ded States:	t the following	waters present on the site are not Waters of the
		Waste treatment systems, including treatment	nande ar laga	ma 44 22 OPP
		The file of the second	or and/an dilei-	_ 1. 1 1. 4
		retain water and which are used exclusively for rice growing.	r such purpose	g dry land to collect and s as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other		
	_	of original and of divine the latter to the same	Mater tor neimo	miles = = =41*
		" week annou depressions created in art land ind	adantal ta aa	-A 4
		328.3(a).	ts the definitio	ne construction or excavation operation is on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to int	erctate commo	ma -
		Prior converted cropland, as determined by the	Natural Reson	rce.
	П			
		Non-tidal drainage or irrigation ditches excavate Other (explain):	ed on dry land	. Explain rationale:
		o mos (explain).		•
DATA	D IPA/FIPA	VED BOD WIDGING		
DATA	Mans	WED FOR JURSIDICTIONAL DETERMINA	TION (mark	all that apply):
	Data sl	plans, plots or plat submitted by or on behalf of the appeared/submitted by or on behalf of the appeared.	he applicant.	
	ru	its office concurs with the delineation report date	d nren	ared by (company):
	LI IN	is office does not concur with the delineation rep	ort, dated	, prepared by (company):
H	Data sr	neets prepared by the Corps.	•	, propined by (company).
H	U.S. Ge	navigable waters' studies: eological Survey Hydrologic Atlas:		
図	U.S. G	cological Survey 7.5 Minute Topographic maps:	Dont In alasists	TN
	U.S. G	ological Survey /.5 Minute Historic quadrangles		1X
H	U.S. G	cological Survey 15 Minute Historic quadrangles		
岗	National	Natural Resources Conservation Service Soil Sur	vey:	
	State/L	al wetlands inventory maps: Port Ingleside, TX ocal wetland inventory maps:		
	FEMA/	FIRM maps (Map Name & Date):		
	100-yea	r Floodplain Elevation is: (NGVD)		
X	Aerial F	Photographs (Name & Date): GLO 2002		
H	Advance	hotographs (Date): ed Identification Wetland maps:		
Ĭ	Site visi	t/determination conducted on:		
	Applica	ble/supporting case law:		
	Other in	formation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FILE N	UMBER: 23697							
Stat Cou Cen App Nan	ct Location information:  e: Texas  inty: Nueces  iter coordinates of site (latitude/longitude): N27.802566 W97.139868  proximate size of area (parcel) reviewed, including uplands: 18.0 acres.  ine of nearest waterway: Corpus Christi Bay  ine of watershed: Corpus Christi Bay							
	ICTIONAL DETERMINATION  npleted: Desktop determination							
Jur	isdictional Determination (JD):							
	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 18.0 acres.							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
B	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(4) Impoundaments of waters of the US.
 (5) The presence of a tributary to a water identified in (1) – (4) above.
 (6) The presence of territorial seas.
 (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

I	ateral	Extent of Jurisdiction: (Reference: 33 CFR parts	. 200	FILE NUMBER: 23697
		clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	М ] ] []	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
٥	Mea ⊠ s	n High Water Mark indicated by: survey to available datum;	☐ vegetation	tion lines/changes in vegetation types.
				on map and/or in a delineation report prepared by: NWI
B	asis For The r Unab Head The 0	reviewed area consists entirely of uplands.  The previewed area consists entirely expected area consists and point of the previewed area.  The previewed area consists are the previewed area consists and point of the previewed area.  The previewed area consists entirely entirely excavating retain water and which are used exclusively for rice growing.  The previewed area consists are used exclusively for rice growing.  The previewed area consists entirely of upland in the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a).  The previewed area consists entirely of uplands in the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a).	art 328(a)(1, asis of 33 CF the following to upland if g and/or diking such purposer small ornant water for princidental to cooless and until test the definition of the state comments of the state comments.	1, 2, or 4-7).  CFR part 328.3(a)(3).  ving waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3.  if the irrigation ceased.  iking dry land to collect and oses as stock watering, irrigation, settling basins, or amental bodies of water created rimarily aesthetic reasons.  construction activity and pits excavated in dry land for till the construction or excavation operation is aition of waters of the United States found at 33 CFR
		Non-tidal drainage or irrigation ditches excavate Other (explain):		
	Data sl Th Th Data sl Corps' U.S. G U.S. G U.S. G USDA Nationa State/L FEMA/ 100-yea Aerial I Other p Advanc Site visi	WED FOR JURSIDICTIONAL DETERMINA plans, plots or plat submitted by or on behalf of the heets prepared/submitted by or on behalf of the ar his office concurs with the delineation report, date his office does not concur with the delineation report heets prepared by the Corps. havigable waters' studies: eological Survey Hydrologic Atlas: eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic maps: I eological Survey 15 Minute Historic quadrangles: Natural Resources Conservation Service Soil Sur hal wetlands inventory maps: Port Ingleside, TX hocal wetland inventory maps:  (FIRM maps (Map Name & Date): har Floodplain Elevation is: (NGVD) Photographs (Name & Date): hotographs (Date): heed Identification Wetland maps: hit/determination conducted on:	he applicant.  pplicant.  d , pre  ort, dated  Port Inglesides:	nt. repared by (company): , prepared by (company):
	Applica	able/supporting case law: aformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER: 23698** PROJECT LOCATION INFORMATION: Texas State: Nueces County: N27.805071 W97.135532 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 18.0 acres. Name of nearest waterway: Corpus Christi Bay Corpus Christi Bay Name of watershed: JURISDICTIONAL DETERMINATION Date: 2/25/05 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \square there appear to be \( (\text{or}) \square there appear to be no "waters of the appear to be no "waters" of the square to be no "wa United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 18.0 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ateral ]	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 3	200	FILE NUMBER: 23698
	Ord		High	h Tide Line indicated by:
		the presence of litter and debris	H	
		changes in the character of soil	$\boxtimes$	fine shell or debris deposits (foreshore) physical markings/characteristics
	H	destruction of terrestrial vegetation shelving	$\overline{\boxtimes}$	tidal gages
		other:		other:
K-21		*** * ***		
×	Mean	n High Water Mark indicated by:		
-		urvey to available datum; ☐ physical markings; ☐ vegeta		
	Wetl	and boundaries, as shown on the attached wetland delineation	on m	ap and/or in a delineation report prepared by: NWI
Bas	sis For	Not Asserting Jurisdiction:		
冒	Unab	reviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 328(a)(		
	Ticau	qualities declined to approve hirisdiction on the basis of 22 i	מיזיר	
	****	sorps has made a case-specific determination that the follow	zing v	waters present on the site are not Weters. Set
	Unite			
	H	Waste treatment systems, including treatment ponds or la	goon	is, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating and/or di	If the	e irrigation ceased.
		return water and which are used exclusively for such purp	oses	as stock watering irrigation settling begins an
	ш	Artificial reflecting or swimming pools or other small orn.	amer	ntal bodies of water created
		by excavating and/or diking dry land to retain water for pr Water-filled depressions created in dry land incidental to or the purpose of obtaining fill sand or gravel unless and or	2000	tanantina and to the terminal control of the contro
		abandoned and the resulting body of water meets the defin 328.3(a).	ition	of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstate com		
		Prior converted cropland, as determined by the Natural Re	unero souro	ces Conservation Service Evaluity and a service
	П			
		Non-tidal drainage or irrigation ditches excavated on dry la Other (explain):	and.	Explain rationale:
DATA RI	EVIEV	WED FOR JURSIDICTIONAL DETERMINATION (many plans plats or plat submitted by	ark s	all that anniv).
1000	wiups,	pians, piots of piat Submitted by or on behalf of the applican	ıt.	··· that apply).
	Data Si Th	neets prepared/submitted by or on behalf of the applicant. is office concurs with the delineation report, dated		
	Th	is office does not concur with the delineation report, dated , p	repai	red by (company):
	Data sr	leets prepared by the Corps.		, prepared by (company):
	Corps'	navigable waters' studies:		
	J.S. G	cological Survey Hydrologic Atlas:		
i 🗖	J.S. G	cological Survey 7.5 Minute Topographic maps: Port Inglescological Survey 7.5 Minute Historic quadrangles:	ide, T	ГХ
IJ [	J.S. Ge	cological Survey 15 Minute Historic quadrangles.		
	JSDA.	Natural Resources Conservation Service Soil Survey:		
	vauona State/L	ll wetlands inventory maps: Port Ingleside, TX ocal wetland inventory maps:		
☐ F	EMA/	FIRM maps (Map Name & Date):		
	00-yea	r Floodplain Elevation is: (NGVD)		
JULIAN SERVICE AND	Aerial F	Photographs (Name & Date): GLO 2002		
	dvance	hotographs (Date): ed Identification Wetland maps:		
	ite visi	t/determination conducted on:		
L A	pplica	ble/supporting case law:		
<b>I</b> 0	ther in	formation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23699

PR	റ	JE	CT	L	റ	٦Δ	Т	T	1	V	IN	٧F	O	R	· N	1/	N٦	ГТ	റ	N	Į.
	v	JĽ	$\sim$ 1	-	$\mathbf{v}$	,,,		1	•	. 1		41.	v			14	ъ.		v	Ι.	٠.

State: Texas
County: Nueces

Center coordinates of site (latitude/longitude): N27.809105 W97.144943

Approximate size of area (parcel) reviewed, including uplands: 18.0 acres.

Name of nearest waterway: Corpus Christi Bay Name of watershed: Corpus Christi Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 2/25/05
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 18.0 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 (0) (7)

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(ii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 **FILE NUMBER: 23699** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ⊠ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Ingleside, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Port Ingleside, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO 2002 Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on:

Applicable/supporting Control Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16994 &D-16995

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State:

Tx

County:

Mongomery Center coordinates of site (latitude/longitude):

UTM 15 252436E 3371567N (WGS84/NAD83)

Approximate size of area (parcel) reviewed, including uplands: 0.045 acres.

Name of nearest waterway: San Jacinto River West Fork San Jacinto Name of watershed:

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2/28/05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-16994 & D-16995 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical ma physical markings/characteristics destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: Survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA\_REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16983

DDC	TE	CT T	OCA	TION	INFO	DM A	TION:
PKI			.t. JtA		INCL	N VIA	1 11 11 11 1

State:

**Texas** 

County:

San Patricio

Center coordinates of site (latitude/longitude):

Lat: 27-48-2.898 N

Long: 97-38-56.8320 W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Nueces River Aransas River Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 28 February 2005

Date(s):

# Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16983

I	torol E	Persons of Tunindisting (D. C			FILE NUMBER: D-16983
	Ordin	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and nary High Water Mark indicated by:			Tide Line indicated by:
		clear, natural line impressed on the bank	П		oil or scum line along shore objects
		the presence of litter and debris		j	fine shell or debris deposits (foreshore)
		changes in the character of soil		]	physical markings/characteristics
		destruction of terrestrial vegetation shelving	님		tidal gages
		other:	Ц	J	other:
<b>y</b> mmy					
	Mean	High Water Mark indicated by:	. •		
		arvey to available datum; physical markings; vegeta			
	Wetla Berg-	and boundaries, as shown on the attached wetland delineati Oliver Associates and Gulf Coast Engineering and Survey	on n	ma	ap and/or in a delineation report prepared by:
Bas		Not Asserting Jurisdiction:	Ū		
×	The re	eviewed area consists entirely of uplands.			
<b>※</b> 選	Unabl	le to confirm the presence of waters in 33 CFR part 328(a)	(1, 2,	2, c	or 4-7).
	Heado	quarters declined to approve jurisdiction on the basis of 33	<b>CFR</b>	Rі	part 328.3(a)(3).
	Unite	Corps has made a case-specific determination that the follow d States:	wing	g v	vaters present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or la	ลฮดด	าทจ	s pursuant to 33 CFR part 328 3
		Artificially irrigated areas, which would revert to upland	if th	he	irrigation ceased.
		Artificial lakes and ponds created by excavating and/or of	likin	ıg.	dry land to collect and
		retain water and which are used exclusively for such pur- rice growing.	pose	es a	as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small or	name	en	ital hadies of water created
		by excavating and/or diking dry land to retain water for r	rima	ari	ily aesthetic reasons.
		Water-filled depressions created in dry land incidental to	cons	st	ruction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless and u	ntil t	th	e construction or excavation operation is
		abandoned and the resulting body of water meets the defi 328.3(a).	nitio	on	of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstate co	mme	ero	ce.
		Prior converted cropland, as determined by the Natural R	esou	urc	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry	land	d.	Explain rationale:
	Ц	Other (explain):			•
DATAD	. <del>T. X</del> . Z. T. Z. X.	WED FOR WINGSTONA PERSONAL PROPERTY OF THE PRO			
DATA R	Mans.	WED FOR JURSIDICTIONAL DETERMINATION (r plans, plots or plat submitted by or on behalf of the applications.)	nark	k a	all that apply):
Ē	Data sl	heets prepared/submitted by or on behalf of the applicant.	ant.		
	∐ Th	his office concurs with the delineation report, dated	prep	pa	red by (company):
less!	☐ Th	his office does not concur with the delineation report, dated	ľ	•	, prepared by (company):
	Data si	heets prepared by the Corps. navigable waters' studies:			
511	U.S. G	eological Survey Hydrologic Atlas:			
×	U.S. G	eological Survey 7.5 Minute Topographic maps: Sinton W	est.	Τe	ex. Photorevised 1979
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:			
<u></u>	U.S. G	eological Survey 15 Minute Historic quadrangles:			•
65		Natural Resources Conservation Service Soil Survey: al wetlands inventory maps:			
		ocal wetland inventory maps:			
20	<b>FEMA</b>	/FIRM maps (Map Name & Date):			
	100-ye	ar Floodplain Elevation is: 86 (NGVD)			
	Acnai I Other n	Photographs (Name & Date): 1995 Infrared Aerial photographs (Date):			
	Advanc	ced Identification Wetland maps:			
	Site vis	sit/determination conducted on:			
	Applica	able/supporting case law:			
1	Other ii	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16982

### PROJECT LOCATION INFORMATION:

State:

**Texas** 

County:

Nueces

Center coordinates of site (latitude/longitude):

Lat: 27-48-2.898 N Long: 97-38-56.8320 W

Approximate size of area (parcel) reviewed, including uplands: 6.5 acres.

Name of nearest waterway: Nueces River

Site visit(s)

Name of watershed:

South Corpus Christi Bay

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Date: 25 February 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16982 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg-Oliver Associates and Gulf Coast Engineering and Surveying **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. П Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Robstown, Tex. 1969 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: 86 (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: SWG FILE NUMBER: D-16608** 

		_		
Stat Cou Cer App Nar	te: Texas anty: Orange ater coordinates of proximate size of a	site (latitude/longiturea (parcel) reviewerway: Sabine River Sabine-Neches		30.092; 93.098 ng uplands: acres.
	ICTIONAL DET npleted: Deskto Site vis	p determination	×	Date: 11 February 2005 Date(s):
Jur	isdictional Deteri	nination (JD):		
		id/or "navigable wa		on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved JD – A Check all that ap		n appealab	ele action (Reference 33 CFR part 331).
		wigable waters of the Approximate size		States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		aters of the United S approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:
	There are "is			tate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters defined The presence of v	vaters that are subje	t 329 as "r ct to the el	navigable waters of the United States":  bb and flow of the tide and/or are presently used, or have been used in bort interstate or foreign commerce.
B.	(1) The presence interstate or forei (2) The presence (3) The presence sandflats, wetland destruction of wh	of waters, which an gn commerce, inclu of interstate waters of other waters such is, sloughs, prairie ich could affect into or could be used bi ich fish or shellfish	e currently ding all wa including h as intrast potholes, we erstate com y interstate are or coul	as "waters of the United States":  used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands <sup>1</sup> .  ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or intersection including any such waters (check all that apply):  or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. it is interstate commerce.

(4) Impoundments of waters otherwise using as water of the control of the presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

(4) Impoundments of waters otherwise defined as waters of the US.

determination:

FILE	NUN	<b>MBER:</b>	D-16608
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Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<ul> <li>Mean High Water Mark indicated by:</li> <li>         □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.     </li> </ul>
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Orange, 1995  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Digital Orange County NRCS  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Orange County FEMA Q3  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): January, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16980

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

Lat: 30-24-0.9216 N

Long: 95-33-18.2232 W

Approximate size of area (parcel) reviewed, including uplands: 4.2 acres.

Name of nearest waterway: Unnamed tributary to Lake Conroe

Name of watershed: West Fork San Jacinto River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 February 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \sqrt{there appear to be (or)} \) \( \sqrt{there appear to be no "waters of the or the content of the co United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: It appears wetlands that are contiguous with an unnamed tributary to Lake Conroe are present on the tract. Lake Conroe is an impoundment of the West Fork San Jacinto River and is a water of the U.S. Therefore, the wetland is adjacent to a water of the U.S. and is therefore, a water of the U.S.

FILE NUMBER: D-16980

T.	ateral E	Extent of Jurisdiction: (Reference: 33 CFR parts 328 a	1.000	FILE NUMBER: D-1098
	Ordi			
CANA.		clear natural line immerced and the	Hig	h Tide Line indicated by:
	H	clear, natural line impressed on the bank	닏	oil or scum line along shore objects
	片	the presence of litter and debris	$\sqcup$	fine shell or debris deposits (foreshore)
	님	changes in the character of soil		physical markings/characteristics
		destruction of terrestrial vegetation		tidal gages
		shelving	П	other:
		other:	_	
[35]	Mear	n High Water Mark indicated by:		
1000	□ sı	urvey to available datum;  physical markings;  ve	getation	lines/changes in vegetation types
				· ·
4.5	wett	and boundaries, as shown on the attached wetland delin	eation n	nap and/or in a delineation report prepared by:
	sis For	Not Asserting Jurisdiction:		
# (**) ** (**) ** (**) ** (**) ** (**) ** (**) ** (**)	The r	eviewed area consists entirely of uplands.		
	Unab	le to confirm the presence of waters in 33 CFR part 328	(a)(1, 2,	, or 4-7).
	Head	quarters declined to approve jurisdiction on the basis of	<b>33 CFR</b>	R part 328 3(a)(3)
	The C	Corps has made a case-specific determination that the fo	llowing	waters present on the site are not Waters of the
		a States:		
		Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to upl	on lagoo	ons, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating and/	anu II ui or dikin	g day land to callect and
	_	retain water and which are used exclusively for such	on mivini	g of y faild to collect and
		nce growing.		
		Artificial reflecting or swimming pools or other small	orname	ental bodies of water created
		by excavating and/or diking dry land to retain water f	or prima	arily aesthetic reasons.
		Water-filled depressions created in dry land incidenta	l to cons	struction activity and pits excavated in dry land for
		abandoned and the resulting body of water meets the	d until t	the construction or excavation operation is
		328.3(a). Isolated, intrastate wetland with no nexus to interstate		
		Prior converted cropland, as determined by the Natura	comme Il Resou	erce. Broes Conservation Service. Explain rationale:
	П			
	Ħ	Non-tidal drainage or irrigation ditches excavated on Other (explain):	dry land	l. Explain rationale:
		(orposition)		
DATA R	REVIE	WED FOR JURSIDICTIONAL DETERMINATION	T / I	
28	maps,	plans, plots or plat submitted by or on behalf of the apr	licant.	all that apply):
	Data s	heets prepared/submitted by or on behalf of the application	nt.	
	☐ Tì	nis office concurs with the delineation report, dated		pared by (company):
	☐ Th	nis office does not concur with the delineation report, da	ted	, prepared by (company):
£1	Data sl	heets prepared by the Corps.		, propured by (company).
579		navigable waters' studies:		
3	U.S. G	eological Survey Hydrologic Atlas:		
溪	U.S. G	eological Survey 7.5 Minute Topographic maps: Shepa	rd Hill	Tex Photorevised 1076
73	U.S. G	eological Survey 7.5 Minute Historic quadrangles:		Text. Thotorevised 1970
<b>E</b>	U.S. G	eological Survey 15 Minute Historic quadrangles:		
53	<b>USDA</b>	Natural Resources Conservation Service Soil Survey:		
	Nation	al wetlands inventory maps:		
	State/L	ocal wetland inventory maps:		
	<b>FEMA</b>	/FIRM maps (Map Name & Date):		
	100-ye	ar Floodplain Elevation is: feet (NGVD)		
	Aerial :	Photographs (Name & Date): 1995 Infrared Aerial		
	Other p	photographs (Date):		
		ced Identification Wetland maps:		
		sit/determination conducted on:		
2 P		able/supporting case law:		
100	Otner ii	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16981

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Refugio

Center coordinates of site (latitude/longitude):

Lat: 28-5-41.2764 N Long: 97-13-45.2764

Approximate size of area (parcel) reviewed, including uplands: 40 acres.

Name of nearest waterway: Unnamed tributary to Copano Bay

Name of watershed:

Aransas River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 18 February 2005

Date(s):

# Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No 9 Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16981

T o	stand Entant of Link Holling (D. C	TILE NUMBER: D-1098
	ateral Extent of Jurisdiction: (Reference: 33 CFR par Ordinary High Water Mark indicated by:	High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
	shelving other:	other:
	other:	
	survey to available datum; physical markings	;  vegetation lines/changes in vegetation types.
Ţ.	Wetland boundaries, as shown on the attached wetla	nd delineation map and/or in a delineation report prepared by:
	Berg-Oliver Associates and Gulf Coast Engineering	and Surveying
Do.	orig From Not Assouting Tomin Hada	
	sis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7)
	Headquarters declined to approve jurisdiction on the	basis of 33 CFR part 328.3(a)(3).
$\boxtimes$	-F	at the following waters present on the site are not Waters of the
	United States:	
	Artificially irrigated areas, which would reve	t ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificial lakes and ponds created by excavati	ng and/or diking dry land to collect and
	retain water and which are used exclusively f	or such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	Artificial reflecting or swimming pools or oth	er small ornamental bodies of water created
	by excavating and/or diking dry land to retain Water-filled depressions created in dry land in	i water for primarily aesthetic reasons. ncidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel u	inless and until the construction or excavation operation is
	abandoned and the resulting body of water me	eets the definition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no nexus to i	nterstate commerce.
	Frioi converted cropiand, as determined by th	e Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excav	ated on dry land. Explain rationale:
	Other (explain):	
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMIN	NATION (mark all that apply):
<u>×</u>	Maps, plans, plots or plat submitted by or on behalf o	f the applicant.
20	Data sheets prepared/submitted by or on behalf of the	
	This office concurs with the delineation report, d.  This office does not concur with the delineation report.	
	Data sheets prepared by the Corps.	eport, dated , prepared by (company):
	Corps' navigable waters' studies:	
<b>a</b>	U.S. Geological Survey Hydrologic Atlas:	
X	U.S. Geological Survey 7.5 Minute Topographic map	s: Bayside, Tex. 1979
	U.S. Geological Survey 7.5 Minute Historic quadrang	les:
	U.S. Geological Survey 15 Minute Historic quadrangl USDA Natural Resources Conservation Service Soil S	
	National wetlands inventory maps:	survey.
	State/Local wetland inventory maps:	
X	FEMA/FIRM maps (Map Name & Date): Refugio Co	unty, Panel 501 of 515 dated 18 March 1985
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date): 1995 Infrared Ae	rial
	Other photographs (Date): Advanced Identification Wetland maps:	
盲	Site visit/determination conducted on:	
<b>3</b>	Applicable/supporting case law:	
	Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-16584

	Sta Cor Cer App Nar	te: Texas unty: Harris nter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, me of nearest waterway: Seals Gully me of watershed: Cypress Creek		30.14571; 94.18934 g uplands: acres.
		mpleted: Desktop determination Site visit(s)	⊠ □	Date: 15 February 2005 Date(s):
	Jur	risdictional Determination (JD):		
		Preliminary JD - Based on available int	formation, s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	Ø	Approved JD – An approved JD is an a Check all that apply:	ppealable	action (Reference 33 CFR part 331).
		There are "navigable waters of the the reviewed area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		There are "waters of the United Starreviewed area. Approximate size of jur	tes" (as d isdictiona	efined by 33 CFR part 328 and associated guidance) within the larea:
		There are "isolated, non-navigable, Decision supported Jurisdiction.	intra-stat by SWA1	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
:	IS ( A.	OF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3. The presence of waters that are subject the past, or may be susceptible for use the past of the pa	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in
	В.	interstate or foreign commerce, includir	urrently ung all wate	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
		sandflats, wetlands, sloughs, prairie pot destruction of which could affect interst  (i) which are or could be used by ir  (ii) from which fish or shellfish are	s intrastate holes, wet ate comm aterstate o or could	terstate wetlands'.  e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or terce including any such waters (check all that apply):  r foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.  purposes by industries in interstate commerce.
		<ul><li>(4) Impoundments of waters otherwise of</li><li>(5) The presence of a tributary to a wate</li><li>(6) The presence of territorial seas.</li></ul>	defined as r identifie	waters of the US.
]	Rati	ionale for the Basis of Jurisdictional De er or wetland is not itself a navigable wat	etermina ter of the	tion (applies to any boxes checked above). If the jurisdictional United States, describe connection(s) to the downstream navigable

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site contains a portion of Seals Gully, as well as a re-routed tributary to Seals Gully.

L	ateral l	Extent of Jurisdiction: (Reference: 33 CFR p	anta 220 - 1.220	FILE NUMBER: D-16584
	Ord	inary High Water Mark indicated by:		) gh Tide Line indicated by:
		clear, natural line impressed on the bank		oil or scum line along shore objects
	님	the presence of litter and debris		fine shell or debris deposits (foreshore)
	H	changes in the character of soil		physical markings/characteristics
	H	destruction of terrestrial vegetation shelving		tidal gages
		other:	· L	other:
-				
L	Mea	n High Water Mark indicated by:		
	∟s	urvey to available datum; 🔲 physical markin	gs; 🗌 vegetation	n lines/changes in vegetation types.
				map and/or in a delineation report prepared by:
				report prepared by.
Ba	asis For	Not Asserting Jurisdiction:		
	Unah	reviewed area consists entirely of uplands.		
		ole to confirm the presence of waters in 33 CFF quarters declined to approve jurisdiction on the	C part 328(a)(1, 2	2, or 4-7).
	The (	Corps has made a case-specific determination	that the following	g waters present on the site are not Waters of the
	H	Waste treatment systems, including treatment	nt ponds or lagoo	ons, pursuant to 33 CFR part 328.3.
	H	runiciany inigated areas, which would rev	ert to unland if the	ne irrigation assaud
	_	Artificial lakes and ponds created by excava retain water and which are used exclusively	for such purpose	g dry land to collect and s as stock watering, irrigation, settling basins, or
	_			
		Artificial reflecting or swimming pools or of	ther small ornam	ental bodies of water created
		by cheavailing and/or diking dry land to retain	n water for prime	arily parthatic manner.
	_	the purpose of obtaining fill, sand, or gravel	incidental to con	struction activity and pits excavated in dry land for
		as and the resulting body of water if	neets the definition	on of waters of the United States found at 33 CFR
	H	Isolated, intrastate wetland with no nexus to	interstate comme	erce.
		Those converted croptand, as determined by the	he Natural Resou	rces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excar	vated on dry land	l. Explain rationale:
		Other (explain):	•	
DATAE	PEVIE	WED FOR HIDSIDICTIONAL RETURNS		
	Maps,	WED FOR JURSIDICTIONAL DETERMI plans, plots or plat submitted by or on behalf of	NATION (mark	all that apply):
	Data si	heets prepared/submitted by or on behalf of the	e applicant	
	LJ In	is office concurs with the delineation report d	lated pren	pared by (company):
П	☐ Th	nis office does not concur with the delineation	report, dated	, prepared by (company):
Ы	Coms'	heets prepared by the Corps. navigable waters' studies:		
ă	U.S. G	eological Survey Hydrologic Atlas:		
×	U.S. G	eological Survey 7.5 Minute Topographic man	s: Tomball Quad	1 1084
$\boxtimes$	U.S. G	eological Survey 7.5 Minute Historic quadrance	oles: Louetta Oua	id, 1955
H	U.S. G	eological Survey 15 Minute Historic quadrang	les:	
Ä	Nation	Natural Resources Conservation Service Soil al wetlands inventory maps:	Survey: Harris C	ounty Digital NRCS
靣	State/L	ocal wetland inventory maps:		
Ø	FEMA/	FIRM maps (Map Name & Date): Harris Cou	nty FEMA O3	
	100-yea	ar Floodplain Elevation is: (NGVD)		
	Aerial I	Photographs (Name & Date): 1995 CIR Aerial	Photo	
H	Advanc	hotographs (Date): ed Identification Wetland maps:		
	Site vis	it/determination conducted on:		
	Applica	ble/supporting case law:		
	Other ir	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston

FILE NUMBER:	I-4510
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<b>PROJEC</b>	CT LOCATION INFORMATION:		
Stat	_		
Cou	nty: Orange		
Cen	ter coordinates of site (latitude/longitude	de):	30° 05' 41"N, 93° 51' 29"W
App	proximate size of area (parcel) reviewed	1, includin	g uplands: 1.08 acres.
Nan	ne of nearest waterway: Cole Creek		
	ne of watershed: Cow Bayou		
	•		
JURISD	ICTIONAL DETERMINATION		
Cor	npleted: Desktop determination	X	Date: 2/24/05
	Site visit(s)	X X	Date(s): 5/5/04
	Site visit(s)		244(-), -, -, -, -
Jur	isdictional Determination (JD):		
	Preliminary JD - Based on available i United States" and/or "navigable wat (Reference 33 CFR part 331).	nformation ers of the l	n, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×	Approved JD – An approved JD is an Check all that apply:	appealabl	le action (Reference 33 CFR part 331).
	There are "navigable waters of the the reviewed area. Approximate size	e United S of jurisdic	states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
	There are "waters of the United S reviewed area. Approximate size of j	tates" (as jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
	There are "isolated, non-navigab Decision support Jurisdiction.	le, intra-st ed by SW	tate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No
D 4 070 /	OF JURISDICTIONAL DETERMIT	JATION.	
BASIS.	OF JURISDIC HUNAL DETERMIN	1211UIV.	navigable waters of the United States":
	The presence of waters that are subjet the past, or may be susceptible for us	ct to the el	bb and flow of the tide and/or are presently used, or have been used in
_	Waters defined under 33 CFR part	220 2(a)	as "waters of the United States".
B.	(1) The presence of waters which an	e currently	used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, inclu	ding all w	aters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters	including	interstate wetlands <sup>1</sup> .
	(3) The presence of other waters sucl	h as intrast	tate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect into	erstate con	nmerce including any such waters (check all that apply):
	(i) -tick are as could be used by	u interctate	e or foreign travelers for recreational or other purposes.
	(i) which are or could be used by	are or con	ld be taken and sold in interstate or foreign commerce.
	(ii) which are accould be used	for inches	ial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwi	eo defined	as waters of the US
	(4) Impoundments of waters otherwi (5) The presence of a tributary to a w	vator ident	ified in $(1) = (4)$ shove
凶	(5) The presence of a moutary to a v	vaite lucilu	
	<ul><li>(6) The presence of territorial seas.</li><li>(7) The presence of wetlands adjacent</li></ul>	nt <sup>2</sup> to other	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Cole Creek is a tributary of Cow Bayou a navigable water of the United States.

T a	tomal E	whent of Installation (D.C. ag arm			FILE NUMBER: 1-451
(3)	Ondi	extent of Jurisdiction: (Reference: 33 CFR parts 328 a			
<u>,48</u>		nary High Water Mark indicated by:		ligh	Tide Line indicated by:
	片	clear, natural line impressed on the bank			oil or scum line along shore objects
		the presence of litter and debris			fine shell or debris deposits (foreshore)
		changes in the character of soil			physical markings/characteristics
		destruction of terrestrial vegetation	i	$\overline{\Box}$	tidal gages
		shelving	i	Ħ	other:
		other:	•		ouice.
	Mean	High Water Mark indicated by:			
	☐ su	rvey to available datum; D physical markings; ve	natati	on 1	inaglahan ang in ang atati au t
		ve	gctati	OH	mes changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetland delir	antin		on and/anim = 4-11
		—— To make the control we daily deli	icauoi	пш	ap and/or in a defineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction:			
	The re	eviewed area consists entirely of uplands.			
W.	Ilmahl	to confirm the amorane of material 22 OVD		_	
	Uanda	le to confirm the presence of waters in 33 CFR part 328	s(a)(1,	, 2,	or 4-7).
	The	quarters declined to approve jurisdiction on the basis of	33 C	FR	part 328.3(a)(3).
	The	corps has made a case-specific determination that the fed States:	ollowi	ng '	waters present on the site are not Waters of the
		d Diducs.			
	Ц	Waste treatment systems, including treatment ponds	or lag	oon	s, pursuant to 33 CFR part 328 3
		Attiticiany impated areas, which would revert to unl	and if	the	irrigation ceased
		Artificial lakes and ponds created by excavating and/	or dik	gning	dry land to collect and
		retain water and which are used exclusively for such	DULLDO	ses	as stock watering irrigation settling basing on
		rice growing.	r r -		watering, inigation, scaring basins, of
		Artificial reflecting or swimming pools or other smal	l oma	mei	otal hadiae of water areated
		by excavating and/or diking dry land to retain water i	for nei	mo	rily postbotic second
		Water-filled depressions created in dry land incidenta	or pri	ma	ny acsurcuc reasons.
		the purpose of obtaining fill sand or gravel unless or	1 W W	CHS	fuction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless are	ro uno	11 10	e construction or excavation operation is
		abandoned and the resulting body of water meets the 328.3(a).	aenni	uor	of waters of the United States found at 33 CFR
	Б	Isolated, intrastate wetland with no nexus to interstate	com	mer	ce.
	L	Prior converted cropland, as determined by the Natura	al Res	our	ces Conservation Service. Explain rationale:
	H	Non-tidal drainage or irrigation ditches excavated on	dry la	nd.	Explain rationale:
	ш	Other (explain):			
DATE	***				
DAIAK	EAIEA	WED FOR JURSIDICTIONAL DETERMINATION	N (ma	rk:	all that apply):
<u> </u>	waps,	pians, plots or plat submitted by or on behalf of the and	olicant	t.	
	Data st	neets prepared/submitted by or on behalf of the apolical	nt		
	∐ Th	is office concurs with the delineation report, dated	TY	ena	red by (company):
	∐ Th	is office does not concur with the delineation report. de	ated	-p-	, prepared by (company):
	Data sh	nects prepared by the Corps.			, propered by (company).
	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
<b>⊠</b>	U.S. Ge	eological Survey 7.5 Minute Topographic maps:			
	U.S. Ge	cological Survey 7.5 Minute Historic quadrangles:			
	US G	cological Survey 15 Minute Historic quadrangles:			
88	LISIDA	Natural Resources Conservation Service Soil Survey:			
33	Notiona	1 restlanda inscentario de la conservación Service Son Survey;			
	Ctoto/T	al wetlands inventory maps:			
		ocal wetland inventory maps:			
	rema/	FIRM maps (Map Name & Date):			
	100-yea	ar Floodplain Elevation is: (NGVD)			
<u>M</u>	Aerial F	Photographs (Name & Date): 1985 Color IR			
	Other p	hotographs (Date):			
	Advanc	ed Identification Wetland maps:			
$\boxtimes$	Site visi	it/determination conducted on: 5/5/04			
	Applica	ble/supporting case law:			
	Other in	uformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17026

1	DD	^	TE	CT	ľ	Λ	CA	ำ	rT	C	1	J	IN	JI	ď	1	21	M	Α	T	ſſ	N	J.
ı	PK						ι.Α	١,		•	,,,		11	чI	٠.	,,	N. I	v	А		I٩.	,,,	

State:

ΤX

County:

Brazoria Center coordinates of site (latitude/longitude):

29° 33.17'N, 95° 16.97'W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Mary's creek

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 02-25-05

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simeg \) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: St Mary Creek is a surface tributary system and subject to Section 404...

FILE NUMBER: D-17026

	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:    thigh Tide Line indicated by:   oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Ē	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
I	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	Artificial lakes and ponds created by excavating and/or diking dry land to retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States hone-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain): The project does involve activities in or affecting the waters.
DATA	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Hotural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17025

### PROJECT LOCATION INFORMATION:

State: TX County: Hidalgo

Center coordinates of site (latitude/longitude): 26° 05' 47"N, 97° 57' 59"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Progresso Main Canal

Name of watershed:

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)



Date: 02-25-05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (2) The presence of interstate waters including interstate weetands.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.

(4) Impoundments of waters outcomed (5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Progresso Main Canal appears to be an upland drainage not subejet to 404...

FILE NUMBER: D-17025

La	Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Changes in the character of soil   Chestruction of terrestrial vegetation   Other:   Image: All of the presence of litter and debris   Changes in the character of soil   Chestruction of terrestrial vegetation   Chestruction of terrestria
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
11	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	Sis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain): Theproject does involve activities in or affecting the waters.
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Dealogical Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrangles:  U.S.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17023

## PROJECT LOCATION INFORMATION:

TX State:

Cameron County:

Center coordinates of site (latitude/longitude):

26° 14' 54"N, 97° 46' 56"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Unknown

Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 02-25-05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: No waters of the US are appear to be within the project area, as determined by off site methods.

FILE NUMBER: D-17023

L 译	Ordi	inary High Water M	impressed on the bank er and debris racter of soil			oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mear □ su	n High Water Mark urvey to available d	indicated by: atum;  physical markings	; 🔲 vegeta	tion l	lines/changes in vegetation types.
ž.ii	Wetl	and boundaries, as s	shown on the attached wetlar	nd delineation	on m	ap and/or in a delineation report prepared by:
Ba	The re Unab Heade The C	le to confirm the proquarters declined to Corps has made a cast declined to Corps has made and vice growing. Artificial lakes an retain water and vice growing. Artificial reflecting by excavating and Water-filled deprete purpose of obtain abandoned and the 328.3(a). Isolated, intrastate Prior converted cr	ests entirely of uplands. esence of waters in 33 CFR papprove jurisdiction on the ase-specific determination that ese-specific determination that ese-specific determination that ese areas, which would reverted areas, which would reverted ponds created by excavation which are used exclusively for gor swimming pools or other of the estimation of the esti	ponds or la t to upland or such purp er small orn water for pr icidental to inless and ur ets the defir aterstate con e Natural Re	certain ying ying young	part 328.3(a)(3). waters present on the site are not Waters of the as, pursuant to 33 CFR part 328.3. e irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or intal bodies of water created filly aesthetic reasons. truction activity and pits excavated in dry land for the construction or excavation operation is a of waters of the United States found at 33 CFR ince.  ces Conservation Service. Explain rationale:
	Maps, Data sl The The Data sl Corps' U.S. G U.S. G U.S. G U.S. G USDA Nation: State/L FEMA 100-yea Aerial 1 Other p Advance Site vis Applica	plans, plots or plat heets prepared/subn his office concurs we his office does not contects prepared by the navigable waters's heological Survey Heological Survey 7. eological Survey 7. eological Survey 1.5	studies: ydrologic Atlas: 5 Minute Topographic maps 5 Minute Historic quadrangle 6 Minute Historic quadrangle 7 Conservation Service Soil Siry maps: tory maps: tory maps: Name & Date): tion is: (NGVD) & Date): 1995  Vetland maps: nducted on: e law:	the applicated property dated property, dated the control of the c	nt. orena	ired by (company).

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17024

#### PROJECT LOCATION INFORMATION:

State:

TX

County:

McMullen

Center coordinates of site (latitude/longitude):

28° 37' 04"N, 98° 30' 37"W (NAD27

Approximate size of area (parcel) reviewed, including uplands:

acrec

Name of nearest waterway: La Jarita creek

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

×

Date: 02-25-05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
    - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Numerous creeks transect the area, Creeks are surface tributary systems of the US and subject to Section 404 of the Clean Water Act.

2 FILE NUMBER: D-17024 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and , prepared by (company): , prepared by (company): (NGVD)

retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): The project does involve activities in or affecting the waters. DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

shelving

other:

United States:

occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17022

#### PROJECT LOCATION INFORMATION:

State:

TX

County:

Cameron Center coordinates of site (latitude/longitude):

26° 7.06'N, 97° 18.95'W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Laguna Vista Cove

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 02-25-05

Site visit(s) Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\infty\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waterway is a previously impounded water and as such a water of the US

FILE NUMBER: D-17022

L	aterai	Extent of Jurisdiction: (Reference: 33 CFR parts 3	28 and 3	29)	TIDE NORDER: D-1/0
E	Ord	illary filgh water Mark indicated by:			th Tide Line indicated by:
	Ц	clear, natural line impressed on the bank		Π̈́	oil or sour line above t
		the presence of litter and debris		H	oil or scum line along shore objects
		changes in the character of soil		H	fine shell or debris deposits (foreshore)
		destruction of terrestrial vegetation		$\vdash$	physical markings/characteristics
	Ħ	shelving		$\sqcup$	tidal gages
	H	other:			other:
i.	Mea: □ s	n High Water Mark indicated by:	_		
		urvey to available datum;  physical markings;			
2	Wetl	and boundaries, as shown on the attached wetland d	elineatio	n m	nap and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:			
	The r	eviewed area consists entirely of uplands			
<u> </u>	Unab	ple to confirm the presence of waters in 33 CFP part	328(a)(	. 2.	or 4-7)
E.d.	Head	quallers declined to approve jurisdiction on the book	a af 22 (	מבוי	
	The (	Corps has made a case-specific determination that the	e follow	ing	Waters present on the site of the site
	Unite	ed States:	c lollow	mg v	waters present on the site are not Waters of the
		Waste treatment systems, including treatment pon	de or la		no municipal de CETP
		Artificially irrigated areas, which would revert to	us or ray	20011.	ns, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excepting	upianu i	ı ine	e irrigation ceased.
	_	Artificial lakes and ponds created by excavating a	na/or a1	king	g dry land to collect and
		retain water and which are used exclusively for su rice growing.	ch purp	oses	as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other sn	nall orna	men	ntal bodies of water created
		of executating and/or diking dry rand to retain water	er tor nr	mar	rily pacthatic manner
		water-filled depressions created in ary land incide	ental to a	onch	truction activity and the
		and the resulting body of water integrs t	he defin	ition	n of waters of the United States found at 33 CFR
	Ц	Isolated, intrastate wetland with no nexus to interst	tate com	merc	rce.
	Ц	Prior converted cropland, as determined by the Nat	tural Re	sourc	rces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated of			
		Other (explain): The project does involve activities	in or aff	uia. ectir	ing the waters.
DATAR	EVIEV	WED FOR JURSIDICTIONAL DETERMINATION	ON (ma	ırk a	all that apply):
	mups,	pians, pious or pial submitted by or on hehalf of the	annlican	t.	upp.j/.
	Data si	neets prepared/submitted by or on behalf of the appli	icant.		
	LJ IN	is office concurs with the delineation report dated	-	renar	ared by (company):
	∐ Th	us office does not concur with the delineation report	dated	сра	nrongred by (company):
	Data sh	neets prepared by the Corps.	, uaicu		, prepared by (company):
<b>E</b>	Corps'	navigable waters' studies:			
100	U.S. G	eological Survey Hydrologic Atlas:			
×	U.S. Ge	cological Survey 7.5 Minute Topographic maps:			
877	IIS G	cological Survey 7.5 Minute Historic quadrangles:			
	U.S. G	cological Survey 1.5 Minute Historic quadrangles:			
****	IICDA	Noticed Baseves Communication quadrangles:			
in that ?	Notiona	Natural Resources Conservation Service Soil Survey	y:		
Mice.	rationa Carar (T	d wetlands inventory maps:			
	State/La	ocal wetland inventory maps:			
	rema/	FIRM maps (Map Name & Date):			
	100-yea	r Floodplain Elevation is: (NGVD)			
	Aerial F	Photographs (Name & Date): 1995			
	Other pl	hotographs (Date):			•
	Advanc	ed Identification Wetland maps:			
	Site visi	t/determination conducted on:			
	Applica	ble/supporting case law:			
	Other in	formation (please specify):			
		- * */			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17021

#### PROJECT LOCATION INFORMATION:

State: TX County: Duval

27° 26.57'N, 98° 31.82'W & 27° 35.67'N, 98° 23.13'W (NAD27) Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Macho Creek & Santa Gertudis creek

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 02-24-05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Macho & Sanat Gertrudis Creeks are surface tributary systems, as such, a waters of the US subject to Section 404 of the Clean Water Act

-					FILE NUMBER: D-17021
Li	ateral E	xtent of Jurisdiction: (Reference: 33 CFR parts			
		nary High Water Mark indicated by:	Z F	ligh	Tide Line indicated by:
	片	clear, natural line impressed on the bank			oil or scum line along shore objects
	H	the presence of litter and debris			fine shell or debris deposits (foreshore)
	片	changes in the character of soil	[	Ш	physical markings/characteristics
	H	destruction of terrestrial vegetation	[		tidal gages
		shelving	[		other:
	U	other:			
	Mean	High Water Mark indicated by:			
133-1		Tright water wark indicated by:			
	30	rvey to available datum; Dphysical markings;	vegetati	on I	ines/changes in vegetation types.
il.	Wetla	and boundaries, as shown on the attached wetland	delineation	n ma	ap and/or in a delineation report prepared by:
					The state of the property of the state of th
Ra	sis For	Not Asserting Jurisdiction:			
	The re	eviewed area consists entirely of uplands.			
	Linabl	e to confirm the presence of waters in 33 CFR pa	220(-)/1	•	4.5
	Heado	quarters declined to approve jurisdiction on the ba	π 328(a)(1,	, 2, e	or 4-7).
	The C	forms has made a case-specific determination that	ISIS OF 33 C.	rk	part 328.3(a)(3).
*****	Unite	orps has made a case-specific determination that d States:	ule follows	ing v	waters present on the site are not Waters of the
		Waste treatment systems, including treatment p	ands or las	oon	s pursuant to 22 CER man 229 2
		Artificially irrigated areas, which would revert	to unland if	ftha	irrigation accord
		Artificial lakes and ponds created by excavating	and/or dik	ring	dry land to collect and
		retain water and which are used exclusively for	euch nurno	nig	as stock wetering imigation and in a hard
		rice growing.	sacii pui po	)3C3	as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other	small orna	men	ital bodies of water created
		by excavating and/or diking dry land to retain w	ater for pri	mar	ily aesthetic reasons
		Water-filled depressions created in dry land inci	idental to co	onst	nuction activity and nits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unli	ess and unt	il th	e construction or excavation operation is
		abandoned and the resulting body of water meet	s the defini	ition	of waters of the United States found at 33 CFR
	_	328.3(a).			
	$\sqcup$	Isolated, intrastate wetland with no nexus to inte	erstate comi	mer	ce.
	Ш	Prior converted cropland, as determined by the I	Natural Res	our	ces Conservation Service. Explain rationale:
	П	Non-tidal drainage or irrigation ditabas avacuate			
		Non-tidal drainage or irrigation ditches excavate Other (explain): Theproject does involve activiti	a on ary la	ına. Taatii	Explain rationale:
	_	(enplain). The project does involve activiti	ics in or and	CCIII	ing the waters.
DATAR	EVIEV	VED FOR JURSIDICTIONAL DETERMINA	TION (ma	ırk a	all that apply):
	maps,	plans, plots or plat submitted by or on behalf of the	ne applicant	t.	
651	Data sh	neets prepared/submitted by or on behalf of the ap			
	HIN	is office concurs with the delineation report, date	d, pr	repa	red by (company):
Car.	Dete el	is office does not concur with the delineation rep	ort, dated		, prepared by (company):
27.5	Corne'	navigable waters' studies:			
- MATTER-	US G	eological Survey Hydrologic Atlas:			
34	U.S. G	eological Survey 7.5 Minute Topographic maps:			
	U.S. Ge	cological Survey 7.5 Minute Topographic maps:			
	U.S. Ge	cological Survey 15 Minute Historic quadrangles:			
<b>33</b>	USDA	Natural Resources Conservation Service Soil Sur	vev.		
[5]	Nationa	al wetlands inventory maps:	vcy.		
<b>19</b>	State/L	ocal wetland inventory maps:			
	FEMA/	FIRM maps (Map Name & Date):			
	100-yea	ar Floodplain Elevation is: (NGVD)			
	Aerial I	Photographs (Name & Date): 1995			
	Other p	hotographs (Date):			
	Advanc	ed Identification Wetland maps:			
	Site vis	it/determination conducted on:			
		ble/supporting case law:			
	Other ir	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17020

# PROJECT LOCATION INFORMATION:

TX State: County: Victoria

28° 40.41'N, 96° 51.20'W (NAD27) Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Choclate Bayou

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 02-24-05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the appear to be no be United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Chocalate Bayou is a surface tributary system, as such, a waters of the US subject to Section 404 of the Clean Water Act

		P	_
FILE	<b>NUMBER:</b>	1	7020

T.	ateral I	Extent of Invictions (Defense 22 OFF		FILE NUMBER: 1702
		Extent of Jurisdiction: (Reference: 33 CFR parts 328 and		
		inary High Water Mark indicated by:	High	h Tide Line indicated by:
	$\vdash$	crear, natural line impressed on the bank		oil or scum line along shore objects
	닏	the presence of litter and debris		fine shell or debris deposits (foreshore)
	L	changes in the character of soil	Ħ	physical markings/characteristics
		destruction of terrestrial vegetation	H	physical markings/characteristics
	Ħ	shelving	$\vdash$	tidal gages
	Ħ	other:	Ш	other:
		ouler.		
150	Mear	High Water Morle in diagram 11		
Ex		High Water Mark indicated by:		
		urvey to available datum; 🔲 physical markings; 🔲 vegeta	tion	lines/changes in vegetation types.
I				
	• WCII	and boundaries, as shown on the attached wetland delineati	on m	ap and/or in a delineation report prepared by:
Re	cic For	Not Asserting Jurisdiction:		
	Ther	Not Asserting Jurisdiction:		
	THE	eviewed area consists entirely of uplands.		
44.0	Unab	le to confirm the presence of waters in 33 CFR part 328(a)(	1, 2,	or 4-7).
iai.	Head	quarters declined to approve jurisdiction on the basis of 33	CER	nort 328 3(n)/2)
12	The (	Corps has made a case-specific determination that the followed States:	ving	Waters present on the site are not Waters of the
	Unite	ed States:	*****5	waters present on the site are not waters of the
		Waste treatment systems, including treatment ponds or la	~~~	20 mumusus 4 + 22 CED 200 a
		Artificially irrigated areas, which would revert to unland	goon	is, pursuant to 33 CFR part 328.3.
	Ħ	Artificially irrigated areas, which would revert to upland	ii the	: irrigation ceased.
		Artificial lakes and ponds created by excavating and/or d	iking	dry land to collect and
		retain water and which are used exclusively for such purp	oses	as stock watering, irrigation, settling basins, or
		nee growing.		
		Artificial reflecting or swimming pools or other small orr	ame	ntal bodies of water created
		by excavating and/or diking dry land to retain water for n	rimaı	rily aesthetic reasons
		Water-filled depressions created in dry land incidental to	COnsi	friction activity and nits avacuated in declared of
		the purpose of obtaining fill, sand, or gravel unless and un	.+:1 +L	activity and pits excavated in dry land for
		ahandoned and the resulting hody of water most at a die	iui u	ie construction or excavation operation is
		abandoned and the resulting body of water meets the defi- 328.3(a).	nitioi	of waters of the United States found at 33 CFR
	Ħ	Isolated, intrastate wetland with no nexus to interstate cor	nmer	ce.
		Prior converted cropland, as determined by the Natural Ro	sour	ces Conservation Service. Explain rationale:
		Non tidal drainage on imigration died		
	Ħ	Non-tidal drainage or irrigation ditches excavated on dry	and.	Explain rationale:
	ш	Other (explain): The project does involve activities in or a	ffecti	ng the waters.
DATAT		HED DOD HIDSTONES		
DAIAL	CEVIE	WED FOR JURSIDICTIONAL DETERMINATION (n	ark	all that apply):
	maps,	plans, plots or plat submitted by or on behalf of the applica	nt.	
	Data si	heets prepared/submitted by or on behalf of the applicant.		
	Th	his office concurs with the delineation report, dated	nrena	ared by (company):
	☐ Th	nis office does not concur with the delineation report, dated	ргера	, prepared by (company):
	Data sh	heets prepared by the Corps.		, prepared by (company):
	Corps'	navigable waters' studies:		
	IIS G	eological Survey Hydrologic Atlas:		
524	11.0.0	cological Survey Hydrologic Alias:		
700	U.S. G	eological Survey 7.5 Minute Topographic maps:		
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:		
est a di	U.S. G	eological Survey 15 Minute Historic quadrangles:		
	USDA	Natural Resources Conservation Service Soil Survey:		
£	Nationa	al wetlands inventory maps:		
	State/L	ocal wetland inventory maps:		
**	FEMA	/FIRM maps (Map Name & Date):		
7 7	100-100	TT		
曷	Apriol 1	ar Floodplain Elevation is: (NGVD)		
	Oth	Photographs (Name & Date): 1995		
356 356		photographs (Date):		
27.5	Advanc	eed Identification Wetland maps:		
230	Site vis	it/determination conducted on:		
	Applica	able/supporting case law:		
	Other in	nformation (please specify):		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17019

#### PROJECT LOCATION INFORMATION:

State:

TX

County:

Galveston

Center coordinates of site (latitude/longitude):

29° 20.20'N, 94° 57.91'W (NAD27)

Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: Highland Bayou

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 02-24-05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \) there appear to be (or) \( \subseteq \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17019 <u>Lateral Extent of Jurisdiction:</u> (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by:

oil or scum line along shore objects

E	Ord	linary High Water Mark indicated by:			n Tide Line indicated by:
	님	clear, natural line impressed on the bank		֓֓֞֞֟֓֓֟	oil or scum line along shore objects
	H	the presence of litter and debris changes in the character of soil			fine shell or debris deposits (foreshore)
		destruction of terrestrial vegetation		H	physical markings/characteristics tidal gages
		shelving		Ħ	other:
		other:			
9	Mea	n High Water Mark indicated by:			
	∟ s	survey to available datum; physical markings;	vegetat	ion l	lines/changes in vegetation types.
<b>E</b>	Wetl	land boundaries, as shown on the attached wetland do	elineatio	n m	ap and/or in a delineation report prepared by:
Ba	asis For	Not Asserting Jurisdiction:			
	The r	reviewed area consists entirely of uplands.			
100	Head	ole to confirm the presence of waters in 33 CFR part a equarters declined to approve jurisdiction on the basis	328(a)(1	, 2,	or 4-7).
[2]		corps has made a case-specific determination that the	s or 33 C e follow	FK ing v	part 328.3(a)(3).
	H	Waste treatment systems, including treatment pone	ds or lag	oon	s, pursuant to 33 CFR part 328.3.
	ă	Artificially irrigated areas, which would revert to a Artificial lakes and ponds created by excavating are	unland ii	t the	irrigation cased
		retain water and which are used exclusively for suc	ch purpo	oses	as stock watering irrigation cattling begins on
		nee growing.			
	П	Artificial reflecting or swimming pools or other sm	nall orna	ımer	ital bodies of water created
		by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incider the purpose of obtaining fill sand or gravel unless	ental to c	onst	fliction activity and nite executed in J. J. L.
		are purpose of obtaining fill, saily, of graver limess	ana iint	iii th	e construction or execution
		abandoned and the resulting body of water meets the 328.3(a).	he defini	ition	of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interst	tate com	mere	ce.
		Prior converted cropland, as determined by the Nat	tural Res	sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated of	on dry la	ınd.	Explain rationale:
	П	Other (explain): Theproject does involve activities	in or aff	ectii	ng the waters.
DATA F	REVIE	WED FOR HIDSIDICTIONAL DETERMINATION		_	
<b>8</b>	Maps,	WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the a	ON (ma	ırk a	all that apply):
<u> </u>	Data si	neets prepared/submitted by or on behalf of the appli-	applicali icant.	ι.	
	T	has office concurs with the delineation report, dated	. DI	repa	red by (company):
2	Data sh	nis office does not concur with the delineation report, heets prepared by the Corps.	, dated		, prepared by (company):
	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
	U.S. G	eological Survey 7.5 Minute Topographic maps:			
<u> </u>	U.S. G	eological Survey 7.5 Minute Historic quadrangles: eological Survey 15 Minute Historic quadrangles:			
図	USDA	Natural Resources Conservation Service Soil Survey	v:		
	Nationa	al wetlands inventory maps:			
	FEMA/	ocal wetland inventory maps: /FIRM maps (Map Name & Date):			
	100-yea	ar Floodplain Elevation is: (NGVD)			
M	Aerial 1	Photographs (Name & Date): 1995			
\$MI	Other p	photographs (Date):			
	Site vis	ced Identification Wetland maps: it/determination conducted on:			
	Applica	able/supporting case law:			
型	Other ir	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16901

## PROJECT LOCATION INFORMATION:

State:

TX

County:

y: Galveston

Center coordinates of site (latitude/longitude):

29° 25' 27"N, 94° 43' 07"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: GIWW

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Desktop determination
Site visit(s)

X

Date: 02-22-05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

D D

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Offsite information indicates wetland in the area and the outfall in the the GIWW, a navigable waters of the US.

Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)
linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
n High Water Mark indicated by: survey to available datum; ☐ physical markings;	vegetation lines/changes in vegetation types.
	delineation map and/or in a delineation report prepared by:
Iquarters declined to approve jurisdiction on the baccorps has made a case-specific determination that ed States:  Waste treatment systems, including treatment partificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water-filled depressions created in dry land ince the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interest the states.	the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. It is and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or a small ornamental bodies of water created vater for primarily aesthetic reasons. It is idental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is so the definition of waters of the United States found at 33 CFR
Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
EWED FOR JURSIDICTIONAL DETERMINA I, plans, plots or plat submitted by or on behalf of the apolic sheets prepared/submitted by or on behalf of the apolic sheets prepared/submitted by or on behalf of the apolic sheets prepared by the delineation report, date this office does not concur with the delineation reposts sheets prepared by the Corps. I' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 15 Minute Historic quadrangles A Natural Resources Conservation Service Soil Surval wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: A/FIRM maps (Map Name & Date): ear Floodplain Elevation is: (NGVD) I Photographs (Name & Date): photographs (Date): need Identification Wetland maps: isit/determination conducted on:	TION (mark all that apply): the applicant. oplicant. d , prepared by (company): ort, dated , prepared by (company):
	the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  In High Water Mark indicated by: survey to available datum; physical markings; land boundaries, as shown on the attached wetland in the presence of waters in 33 CFR padquarters declined to approve jurisdiction on the baccorps has made a case-specific determination that ed States:  Waste treatment systems, including treatment partificially irrigated areas, which would revert a Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain we water-filled depressions created in dry land incide purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the labandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the labandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the labandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the labandoned and the resulting body of water meet 328.3(a).  Sologial Graphs or plat submitted by or on behalf of the approximation of the purpose of balandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the labandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the labandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior of the purpose of obtaining fil

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 15208(04)020

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston Center coordinates of site (latitude/longitude):

29-33-9 / 94-23-14

Approximate size of area (parcel) reviewed, including uplands: 1.205 acres.

Name of nearest waterway: Gulf of Mexico Name of watershed: High Island

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 February 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_\_\_ there appear to be (or) \_\_\_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.205 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral	Extent of Jurisdiction: (Reference: 33 CFR par	. 220 1200	FILE NUMBER: 15208(04)020
	Ord	linary High Water Mark indicated by:		)
****		clear, natural line impressed on the bank		gh Tide Line indicated by:
		the presence of litter and debris	<u> </u>	oil or scum line along shore objects
		changes in the character of soil	<u> </u>	fine shell or debris deposits (foreshore) physical markings/characteristics
		destruction of terrestrial vegetation	<u> </u>	tidal gages
		shelving	<b>–</b>	other:
		other:	<b>L</b>	outer.
No.	ı Maa	- IV:-1- IV 3.6 1 1 1 11		
Z	Mea	n High Water Mark indicated by:		
	s	survey to available datum; 🛛 physical markings	;    vegetation	lines/changes in vegetation types.
	Wetl	land boundaries, as shown on the attached wetlar	d delineation r	nap and/or in a delineation report prepared by:
Ba	The r Unab	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ple to confirm the presence of waters in 33 CFR p	part 328(a)(1, 2	, or 4-7).
12.0	riead	iquarters declined to approve jurisdiction on the h	nacic of 33 CEL	2 nort 239 3(a)(3)
	THE	Corps has made a case-specific determination that	t the following	waters present on the site are not Waters of the
		- States.		
	ă	Waste treatment systems, including treatment	ponds or lagoo	ns, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating	. to upland if th	e irrigation ceased.
		retain water and which are used exclusively fo	r such nurnose	g dry land to collect and s as stock watering, irrigation, settling basins, or
	_	nee growing.		
		Artificial reflecting or swimming pools or other	r small orname	ental bodies of water created
		by excavating and/or diking dry land to retain	water for prima	erily seethetic reasons
		water-lined depressions created in dry land in	cidental to con-	Struction activity and nite avanuated in Jun Lant c
		are purpose of obtaining int. Said. Of graver in	แครร япа แทน เ	the construction or excavation operation is on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to int	terstate comme	erce
		Prior converted cropland, as determined by the	Natural Resou	rces Conservation Service. Explain rationale:
	Ħ	Non-tidal drainage or irrigation ditches excavat Other (explain):	ed on dry land	. Explain rationale:
		o silor (onplani).		
DATA F	maps,	WED FOR JURSIDICTIONAL DETERMINA plans, plots or plat submitted by or on behalf of	the applicant	all that apply):
3	Data si	heets prepared/submitted by or on behalf of the a	pplicant	
		his office concurs with the delineation report, date	ed , prep	ared by (company):
	Data el	his office does not concur with the delineation repheets prepared by the Corps.	ort, dated	, prepared by (company):
	Corps'	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas:		
7	U.S. G	eological Survey 7.5 Minute Topographic maps:		
àce	U.S. G	eological Survey 7.5 Minute Historic quadrangle	s.	
	U.S. G	eological Survey 15 Minute Historic quadrangles	:	
1545	USDA	Natural Resources Conservation Service Soil Su	rvey:	
and the second	Nationa	al wetlands inventory maps:	•	
	State/L	ocal wetland inventory maps:		
2000 2000 2000	1 EIVLA/ 100-ve	/FIRM maps (Map Name & Date):		
mia.	Aerial I	ar Floodplain Elevation is: (NGVD) Photographs (Name & Date):		
	Other n	photographs (Name & Date):		
	Advanc	ced Identification Wetland maps:		
	Site vis	it/determination conducted on:		
	Applica	able/supporting case law:		
	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 15208(04)019

## PROJECT LOCATION INFORMATION:

State:

TX

County:

Galveston

Center coordinates of site (latitude/longitude):

29-33-13 / 94-23-1.9

Approximate size of area (parcel) reviewed, including uplands: 0.414 acres.

Name of nearest waterway: Gulf of Mexico High Island Name of watershed:

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 25 February 2005

Date(s):

## Jurisdictional Determination (JD):

23	Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Machine There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.414 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

I	_ateral ]	Extent of Jurisdiction: (Reference: 33 CFR par	ta 220 au 1 22	FILE NUMBER: 15208(04)019
	Ord	linary High Water Mark indicated by:		29) High Tìde Line indicated by:
		clear, natural line impressed on the bank		oil or scum line along shore objects
		the presence of litter and debris		fine shell or debris deposits (foreshore)
	님	changes in the character of soil		physical markings/characteristics
	님	destruction of terrestrial vegetation		tidal gages
	님	shelving		other:
		other:		
2	Mea	n High Water Mark indicated by:		
	s	survey to available datum;   physical markings	; D vegetati	ion lines/changes in vegetation types
				n map and/or in a delineation report prepared by:
	The r Unab Head The (	Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavatir retain water and which are used exclusively forice growing.  Artificial reflecting or swimming pools or other	basis of 33 C at the following ponds or lagget to upland if ang and/or dik or such purpo	FR part 328.3(a)(3).  ing waters present on the site are not Waters of the  goons, pursuant to 33 CFR part 328.3.  If the irrigation ceased.  cing dry land to collect and  oses as stock watering, irrigation, settling basins, or  mental bodies of vector greated.
		by excavating and/or diking dry land to retain	water for pri	marily aesthetic reasons
		water-lined depressions created in dry land in	cidental to co	Onstruction activity and nite executed in Jun 1. 1.c.
		are purpose of obtaining init, saily, of graver in	uess and unti	il the construction or excavation operation is ition of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to in	terstate comm	mana
		Prior converted cropland, as determined by the	Natural Rese	sources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavar Other (explain):	ted on dry lar	nd. Explain rationale:
	Data sl Th Data sl Corps' U.S. Ge U.S. Ge U.S. Ge USDA Nationa State/Le	wed for Jursidictional determination plans, plots or plat submitted by or on behalf of the anis office concurs with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report heets prepared by the Corps.  navigable waters' studies: eological Survey Hydrologic Atlas: eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic maps: eological Survey 7.5 Minute Historic quadrangle eological Survey 15 Minute Historic quadrangles Natural Resources Conservation Service Soil Sural wetlands inventory maps:	the applicant upplicant. ed , pro port, dated es:	rk all that apply): t. repared by (company): , prepared by (company):
	Aerial I Other pi Advanc Site visi Applica	/FIRM maps (Map Name & Date): ar Floodplain Elevation is: (NGVD) Photographs (Name & Date): shotographs (Date): ced Identification Wetland maps: it/determination conducted on: shole/supporting case law: information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER: 23675** 

#### PROJECT LOCATION INFORMATION:

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

29-44-14 / 95-7-25

Approximate size of area (parcel) reviewed, including uplands: 4.5 acres.

Name of nearest waterway: Carpenter's Bayou Name of watershed: Buffalo Bayou

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 February 2005

Date(s):

## Jurisdictional Determination (JD):

2000 2007	Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3,5.AC

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.

	Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	1 226	FILE NUMBER: 23675
	Or	dinary High Water Mark indicated by:	a 329	9)
		clear, natural line impressed on the bank		igh Tide Line indicated by:
	닏	the presence of litter and debris	F	oil or scum line along shore objects fine shell or debris deposits (foreshore)
	님	changes in the character of soil	Ē	physical markings/characteristics
	님	destruction of terrestrial vegetation	Ē	tidal gages
	H	shelving other:		other:
	U	ouler.		
	Mea	an High Water Mark indicated by:		
		survey to available datum;  physical markings;  vego	tatio	n lines/changes in vegetation trace
I	W C	tland boundaries, as shown on the attached wetland deline	tion	map and/or in a delineation report prepared by:
]	Basis Fo	r Not Asserting Jurisdiction:		
	Unal	reviewed area consists entirely of uplands.		
	Head	ble to confirm the presence of waters in 33 CFR part 328(adquarters declined to approve jurisdiction on the basis of 3	(1, 2)	2, or 4-7).
	The	Corps has made a case-specific determination that the followed States:	3 CFI	R part 328.3(a)(3).
_	Unit			
		Waste treatment systems, including treatment ponds or	lagoo	Ons. Dursuant to 33 CFR part 229 2
		will would rever to union	4 1 1 1	ha immi anakin
		Thursday lakes and policy created by excavating and/or	dilein	on desilanda 11
		retain water and which are used exclusively for such purice growing.	rpose	es as stock watering, irrigation, settling basins, or
		O		
	_	Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for water filled depressions are stated.	mam	ental bodies of water created
		water-filled depressions created in dry land incidental t	2000	etmotion activity and the
	·	abandoned and the resulting body of water meets the de		
	H	Isolated, intrastate wetland with no nexus to interstate or	mme	erce.
		Prior converted cropland, as determined by the Natural I	tesou	irces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	land	l. Explain rationale:
		,		
DATA	REVIE	WED FOR JURSIDICTIONAL DETERMINATION (		
	iviaps,	plans, plots of plat submitted by or on behalf of the applic	nark ant	all that apply):
3.0	Datas	neets prepared/submitted by or on behalf of the applicant	an.	
		his office concurs with the delineation report dated	prep	pared by (company):
	. 🗀 11	his office does not concur with the delineation report, dated	j I	, prepared by (company):
-	Data s	neets prepared by the Corps.		, property).
200	Lorps	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas:		
200 kg	U.S. G	eological Survey 7.5 Minute Topographic maps: eological Survey 7.5 Minute Historic quadrangles:		
/moor	U.S. G	eological Survey 15 Minute Historic quadrangles:		
25.0	USDA	Natural Resources Conservation Service Soil Survey:		
	Nation	al wetlands inventory maps:		
3	State/L	ocal wetland inventory maps:		
	FEMA/	/FIRM maps (Map Name & Date):		
	100-yea	ar Floodplain Elevation is: (NGVD)		
oteonie	Athan -	Photographs (Name & Date):		
100000 1000000 1000000	Advance	chotographs (Date): ced Identification Wetland maps:		
37	Site vie	it/determination conducted on:		
Marine Start	Applica	able/supporting case law:		
	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT	OFFIC!	E: CESWG
FILE NUM	BER: 23	3693

PROJEC	CT LOCA	TION INFORMATION	:			
	e: Texas inty: Galve	eston				
Cen	ter coordin	nates of site (latitude/long	itude): 29° 1	19' 44"N, 94° 56' 45"W (NAD27)		
App	roximate s	size of area (parcel) reviev	ved, includii	ng uplands: <u>0.02</u> acres.		
Nan Nan	ne of neare ne of water	est waterway: Highland Barshed: West Galveston Ba	ayou y			
		L DETERMINATION				
Cor	npleted:	Desktop determination Site visit(s)		Date: 23 February 2005 Date(s):		
Jur	isdictional	Determination (JD):				
	United St	ary JD - Based on available tates" and/or "navigable wee 33 CFR part 331).	e information atters of the	on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable		
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There the review	are "navigable waters of wed area. Approximate si	the United S ze of jurisdi	States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:0.02 acre		
	There reviewed	are "waters of the United area. Approximate size of	l States" (as of jurisdiction	s defined by 33 CFR part 328 and associated guidance) within the onal area:		
	<b>There</b>	are "isolated, non-navig Decision suppo Jurisdiction.	able, intra-s orted by SW	state waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.		
BASIS (	OF JURIS	DICTIONAL DETERM	INATION:	:		
<u>A.</u>	Waters d	defined under 33 CFR pa	rt 329 as "	navigable waters of the United States":		
<u> </u>	The prese the past,	ence of waters that are sub or may be susceptible for	ject to the e use <u>to trans</u>	bb and flow of the tide and/or are presently used, or have been used in port interstate or foreign commerce.		
В.	Waters o	defined under 33 CFR pa	rt 328.3(a)	as "waters of the United States":		
23	(1) The p	resence of waters, which	are currently	y used, or were used in the past, or may be susceptible to use in vaters which are subject to the ebb and flow of the tide.		
	(2) The n	or foreign commerce, incommerce, incommerce of interstate wate	rs including	interstate wetlands <sup>1</sup> .		
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,					
	sandflats	, wetlands, sloughs, prairi	e potholes, v	wet meadows, playa lakes, or natural ponds, the use, degradation or nmerce including any such waters (check all that apply):		
	destruction (i) w	on of which could affect in which are or could be used	by interstate	e or foreign travelers for recreational or other purposes.		
	T (ii) f	from which fish or shellfis	h are or cou	ald be taken and sold in interstate or foreign commerce.		
	(iii)	which are or could be use	d for industr	rial purposes by industries in interstate commerce.		
<u> </u>	(4) Impo	undments of waters other	wise defined	l as waters of the US.		
	(5) The p	presence of a tributary to a presence of territorial seas.	water ident	mea m(1) - (4) above.		
A-16	(o) The p	ACCURATE OF ICITIONIAL SCACE				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in Highland Bayou, a tidally influenced waterway that flows into West Bay.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  Mean High Water Mark indicated by:	Hig	ch Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other: Applicant supplied information
L	survey to available datum; physical markings; velocities, as shown on the attached wetland del		
TI U H	retain water and which are used exclusively for such rice growing.  Artificial reflecting or swimming pools or other sma by excavating and/or diking dry land to retain water.	of 33 CFR following s or lagoor bland if the diverse for purposes all ornamental to constant until the definition te commer all Resources.	a part 328.3(a)(3).  waters present on the site are not Waters of the ms, pursuant to 33 CFR part 328.3.  e irrigation ceased.  g dry land to collect and as as stock watering, irrigation, settling basins, or ental bodies of water created rily aesthetic reasons.  Attruction activity and pits excavated in dry land for the construction or excavation operation is an of waters of the United States found at 33 CFR rece.
Data Corp U.S. U.S. U.S. V.S. V.S. V.S. V.S. V.S.	IEWED FOR JURSIDICTIONAL DETERMINATIONS, plans, plots or plat submitted by or on behalf of the application as sheets prepared/submitted by or on behalf of the application of the concurs with the delineation report, dated. This office concurs with the delineation report, dated. This office does not concur with the delineation report, dated as sheets prepared by the Corps.  ps' navigable waters' studies:  Geological Survey Hydrologic Atlas:  Geological Survey 7.5 Minute Topographic maps:  Geological Survey 15 Minute Historic quadrangles:  A Natural Resources Conservation Service Soil Survey:  A Natural Resources Conservation Service Soil Survey:  MA/FIRM maps (Map Name & Date):  Pyear Floodplain Elevation is:  A Photographs (Name & Date):  Pyear Floodplain Conducted on:  A Stripping Case law:  A r information (please specify):	plicant. int.	all that apply): prepared by (company): prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.